



Attorney Docket No. 5051-445

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Moyer et al.  
Serial No. 09/912,072  
Filed: July 24, 2001  
For: IDENTIFICATION OF POINSETTIA CULTIVARS

Date: October 9, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Restriction Requirement**

In response to the Restriction Requirement dated September 9, 2003, Applicants elect the claims of Group II (Claims 1-11, 21-30, 63, 64 and 69; drawn to a method of determining a poinsettia plant profile similarity wherein fragments of a specific combination of sequences are analyzed by a corresponding specific combination primer set). Further, Applicants elect the specific combination of sequences of SEQ ID NOS: 12, 20, 21, 22, 23, 24, 34, 35 and 37.

This election is made with traverse on the basis that independent Claims 1, 3, 21, 63 and 69 do not recite specific SEQ ID NO. and should be examined without being limited to specific sequences, either individually or in combination. Further, Applicants request rejoinder of the claims of Group I on the basis that once all of the sequences in the selected combination have been searched, it would not be an undue burden to examine claims reciting the individual sequences. Likewise, once the elected combination of sequences has been examined, it would not be an undue burden to examine claims reciting particular sub-combinations of the elected sequences. Accordingly, Applicants respectfully request that the Examiner reconsider the outstanding restriction requirement.

This application is in condition for substantive examination, which action is respectfully requested.

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Respectfully submitted,

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*Sloan Smith*  
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